

1904-034
Lee Co.

Chancery Causes: Gdn. of Hannie B. Taylor & by vs. Hannie B. Taylor &

Horney, Evans, Russell, Poteet, Gilley, Johnson, Tinsley, Smith,
Rose, Bishop, Ely, Parsons, Hyatt, Gibson, Orr

CA - Estate Dispute
T - Property

To the honorable H. S. K. Morrison Judge
of the Circuit Court of Lee County Virginia.

Humbly Complaining, your orator P. C.
Horney, Guardian of the persons and Curator of
the estates of Hammie B Taylor & E. Jane Taylor
infant children of S. M. Taylor and Mildred
Taylor his wife, formerly Mildred Russell and
daughter of John D. S. (alias) Delo Russell decd.
would respectfully show unto your honor, that
on the 8th day of November 1886, he was appo-
inted by the Probate Court of Cass County Missouri
Guardian and Curator as aforesaid, and executed
bond, before said Court, in the penalty of ~~five~~
~~two~~ thousand dollars, conditioned according
to the laws of said State of Missouri. A copy of
his said appointment and bond, properly certified
is herewith filed marked "A" and prayed to be
considered as part hereof. Your orator will
now show unto your honor that his said wards
are aged, as follows, Hammie B. 17 years the 8th
day of September 1886. E. Jane 15 years the 1st day
of November 1886, that their parents are both dead,
that they are citizens of the said County of Cass
and State of Missouri and that they have no estate
in said County and State. That their Grandfather
John D. S. (alias) Delo Russell, lately departed this
life in said County of Lee, State of Virginia, intestate,
seized and possessed, at the time of his death,
of a valuable real and personal estate which

descended to his children and their descendants,
to wit. - Ballie Evans and R. L. Evans her husband
Martha J. Pateet, E. M. Russell, Rebecca Gilley and
Ransom Gilley her husband, John D. Russell, Wm. H.
Russell, Ransom F. Russell, Charles D. Russell and
your Orator's said wards, said real estate consisting
of a tract of 131 acres of land on which said decedent
resided at the time of his death, a tract of 30
acres near to said last mentioned tract, which his
widow owns during her life by virtue of an anti-
nuptial Contract between her and her said hus-
band and which is in lieu of dower or any other
interest in his estate; a tract of 260.5 of Mountain
land on ^{Stone Creek} the north side of Stone Mountain, adjoin-
ing the lands of R. L. Evans & wife and others
and a tract of 375 acres of Mountain land on
the head waters of Reed's Creek adjoining the lands
of Russell and others; that there will be
due said wards from the administrator of the estate
of their ^{said} Grand father, about the sum of \$160.25 and
that by virtue of the provisions of a deed executed
by the said John D. S. Russell, on the 17th day of
February 1881, to all his children then living, there
will be due his said wards, jointly, from said heirs,
the sum of \$397.58, as they respectively arrive at
the age of twenty one years, with interest thereon
from the 17th day of February 1882, and this is all
the estate that his said wards have, or are entitled

to, of which he has any knowledge; That their mother died in said County of Lee and State of Virginia when they were quite young and their father, after marrying a second time, removed West, taking his said children with him, and in the year 1882 died in ~~New~~^{Mexico}; that they have ^{lived} in the State of Missouri ever since, and expect to remain there, The eldest Hannie B. lives with your orator and the other lives near by. Your orator will now further show unto your honor that the interest of his said wards will be greatly promoted by a sale of their interests in said real estate and a transfer of the proceeds of said sale to the hands of your orator as their Guardian & Curator in the State of Missouri, where the same may be invested in other real estate for said wards, or kept at interest, whichever may be deemed best for their interest, Money being there worth 10 per cent per annum. and the same legally chargeable therefor. The said tracts of 131 acres and 30 acres are fertile and valuable lands, but to partition them into nine shares, giving to each share in the first-mentioned tract about $14\frac{1}{2}$ acres, and in the second ~~and giving~~ ^{or} $3\frac{1}{3}$ acres and it encumbered by a life estate interest, would, provided each heir was assigned his or her interest in each tract, cut them up into such small parcels as to make the parcels not very desirable ~~and~~ ^{or} valuable, and expensive to fence; and the remaining two tracts or parcels are, as your orator is advised, wild Mountain lands, not in a State

of cultivation, but probably valuable on account of coal beds that underlie them, and about which mineral there is now some excitement in the vicinity of said lands, making it a favorable time to sell.

And your orator is advised that the other heirs of said estate desire that all of said lands be sold and the proceeds divided between the parties according to their interests. This your orator is of opinion would be to the interest of all concerned, and he asks that the same be done if they so desire, but should they not so desire, your orator asks a sale of the interests of his said wards ^{in said real estate,} and a transfer of the funds as aforesaid.

In tender consideration whereof, and forasmuch as your orator is remediless in the premises save by the aid of a court of equity, your orator prays that Sallie Evans, formerly Russell, and R. L. Evans her husband, Martha J. Pateet, formerly Russell, E. M. Russell, Rebecca Gilley, formerly Russell, and Ransom Gilley her husband, John D. Russell, Wm. H. Russell, Ransom F. Russell & Charles D. Russell children and heirs at law of said John D. S. (alias) Delio Russell, ^{deceased} and who are the Uncles and aunts of said wards on the Maternal side and Nancy Taylor, Martha F. Johnson (formerly Martha F. Taylor, and Reese Johnson her husband, John Taylor, Mattie Linsley, Ulysses Linsley, Cleo Linsley & Jephthah Linsley children and heirs at law of Eliza J. Linsley

deceased, formerly Eliza J Taylor, Sophia Smith,
formerly Sophia Taylor, and John W Smith her hus-
band, Wm Taylor, Robert Taylor, Mary Rose, formerly
Mary Taylor, and her husband E. E. Rose, Nancy
Taylor and Cynthia A Taylor, the grand Mother,
Uncles and Aunts and their descendants of said
wards on the paternal side and who would be
the heirs of said wards were they now dead,
and the said Hammie B Taylor & E. Jane Taylor
be made the parties defendant to this bill and
required to answer the same on oath, the said
Hammie B. & E. Jane Taylor in their own proper per-
sons, as well as by a proper guardian ad litem
to be appointed for them and Mattie Linsley,
Ulysses Linsley, Cles Linsley, Igephyr Linsley, Nancy
Taylor & Cynthia A Taylor who are also infants;
That your honor will decree a sale of said lands,
or at least ^{of} the interests of ^{your orator's} said wards, and a trans-
fer of the proceeds of the sale of their interests to
the hands of your orator as their guardian and
Curator, and for all further and general relief.
May process issue, properly directed &c, and
may publication be made, posted and published
against Nancy Taylor, Martha H Johnson & Reece
Johnson her husband, John Taylor, Mattie Linsley,
Ulysses Linsley, Cles Linsley, Igephyr Linsley, Wm
Taylor, Nancy Taylor, Cynthia ^A Taylor, Rebecca
Gilley & her husband Ransom Gilley, Wm H Russell
Ransom H Russell, Charles D Russell, Hammie B

Taylor & E. Jane Taylor who are nonresidents of
the State of Virginia. And your orator will ever
pray,

Richmond & Co., attys
for Complainant.
P. C. Horney, Curator
of Hamrah B. & E. Jane Taylor,
minors.

State of Missouri.
County of Cass } S.S.

I, D. C. Barnett a notary Public
in and for the County and State aforesaid do
certify that P. C. Horney this day personally
appeared before me and made oath that the
several allegations in the foregoing bill, so
far as they depend upon his own knowledge
are true, and so far as made upon information
derived from others he believes them to be true.

Given under my hand and
official seal at Harrisonville
this the 21st day of January, 1887.

My Commission Expires Feb. 13, 1889.

D. C. Barnett,

Notary Public.

CA 15.00
 Estimate 43.42
 20.00
 1.00

Swing 4. 00
Wells 5. 00
Flour 1. 00

P. L. Harney Guardian
vs { Bill in Chy.
Fannie B. Taylor et al

1887. Feb. 3rd, Ex. & Hon. Sec. of State
Bill filed & D. No. 100
and order sub. is to
identify and continue.

Recd of J. B. Richardson \$15.⁰⁰ my cats in
this cause March 4th 1888 (Receipt given him)
Also I received \$4.80 the Post paid for the
Sheriffs notice & will now out & get other
part to 1888, & also report

To the honorable H. S. K. Morrison Judge
of the Circuit Court of Lee County Virginia.
Humbly Complaining, your orator P. C.
Horney Guardian^{re} for Annie B Taylor and E.
Jane Taylor infant children of S. M. Taylor
and Mildred Taylor his wife formerly Mildred
Russell and daughter of John D S Russell
decd, would respectfully show unto your honor,
that since filing his original bill in your
honor's court, against his said wards and
others, the object of which is to sell the interest
of said wards in the real estate of the said
John D. S. Russell decd, in said County, and
transfer the proceeds of said sale, together with
any other estate due them from said ~~sauces~~ ^{Estate},
from this State to the hands of your orator as
their Guardian &c in the State of Missouri,
and at the last term of your honor's court.
Rebecca T Russell widow of said John D. S.
Russell decd, filed her petition in said cause
asking to be made a party to said suit, where-
upon your honor ordered that said amendment
be made, which is hereby done, and the
said Rebecca T Bishop is made a party
defendant to said original bill, and re-
quired to answer the same on oath. &c.

Richmond & Orr, attys
for Complainant.

P. B. Horney Guardian
vs { Amended Bill.
3

Hannie B. Taylor & als.
Filed at July Rules 1887.

J. A. Hyatt

1887 July Bill filed

Spa Exd + D. Nisi

" Aug. Dece Nisi
Confirmed +
Cause set for hearing

To the Hon. A. S. K. Morison Judge of
the Circuit Court of Lee County Va
The petition of Rebecca T.
Russell, relict of John D. S.
Russell, late of this County now
deceased, would respectfully
represent, that her late husband
was seized at the time of, and
during their marriage of four
tracts or parcels of land situ-
ated in this County - one, the home
place is represented to contain
131 acres; an other near by 30 or 35
acres, also two mountain tracts
one containing 375 acres and the other
260 acres; The 30 acre tract is the
property of his heirs at law
being, the separate property of his
first wife, and to which he had
no title except a life estate.

The others descended to them from
their said father - Your petitioner
and her said husband were mar-
ried on the 17th day of Nov. 1881
in this County, but in taking this
step your petitioner incurred the
displeasure of her aged mother
with whom she had lived in
great domestic peace & happiness

until she was then 44 years of age, and this and the excitement incident to the marriage, greatly confused her, when about, to be united her said mother, informed ^{her} the ceremony could not be celebrated in her house, she then left, and went with her said husband to a near neighbor one Dr. Spencer's where the ceremony was to be said - at this place her said husband presented to her a paper which contained as it now turns out, was a contract in the nature of dower or marriage settlement, whereby he proposed to give her \$200 and said 30 acres of land as and for her dower and all after interest in his said estate, cunningly reciting that he reserved the right to make further provision for her in the future, and reciting that said 30 acres belonged to him - In her confusion, away from home, to become his wife with no one to advise her, and looking to him as her only protector, she signed and acknowledged

the paper; only to find upon his death that he had only a life-estate in said land, which he represented as his and ~~were~~ ^{very valuable}
~~her own~~, she believed he was conveying the full title, when only a life estate is so conveyed.

One P. L. Harney, professing to act as guardian for certain infants, the said Russells grandchildren have filed their bill in this Hon. Court seeking to see all the real estate except the 30 acres belonging to said decedent, for the purpose of dividing the proceeds among all its heirs - Your petitioner is advised that as said provision was made for her from the time of her marriage, under a mistaken state of facts, and as said Russell had no title thereto, she is entitled to dower in said land, and has such right in said case, as entitles her to be made a party, and allowed to answer and show her interest therein - To this end she prays that the bill be required to so amend his bill as to

make her a party thereto and
that she be allowed to answer and
defend the same, before any
sale of said land be made
And as in duty bound she will
ever pray &c &c.

A. S. Prudence
for petitioner

Virginia Lee County to wit

This day Rebecca J. Russell person-
ally appeared before me and made
oath that the statements in the foregoing
petition are true. - March 30/87

John R. Gibson D.C.

Rebecca J. Russell

Ind Petition

Harvey B. Taylor

Filed in open
court by leave
March
30 1887.

J. A. G. G. G. G.

To the Hon. H. S. K. Morrison, Judge
of the Circuit Court of Lee County, Va.

The Answer of Wm. A. Orr, Guardian
ad litem for Hamme B. Taylor, E. Jane
Taylor, Mattie Tinsley, Leles Tinsley, Gephya
Tinsley, Ulysses Tinsley, Nancy Taylor
and Leythia A. Taylor, Infants defendants
to a bill in Chancery filed in this
court by P. C. Horney, Guardian &c against
said Infants and others.

Your Respondent Answering
Says That he is of opinion that it
is to the interest of Hamme B. and
E. Jane Taylor to have their estate
removed to their home in Missouri,
the rate of interest being greater there
than here.

But Your Respondent
places the interests of his wards
in the hands of your Honor;
and prays to be dismissed
with his costs.

Wm. A. Orr
Guardian ad litem

P. C. Hornby Quaden
vs J. C. C. G. A. L.

Hannie B. Taylor et al

Sworn to & filed
Febry Rules 1887.
J. A. Hyatt & Co

To the honorable H. S. K. Morrison Judge of
the Circuit Court of Lee County Virginia.

The joint answer of Hammie B Laylor &
E. Jane Laylor infant Children of S. M. Laylor
& Mildred Laylor his wife, formerly Mildred
Russell, to a bill filed in this honorable Court
against these respondents and others by
P. C. Horney their Guardian & Curator.

These defendants answering say that it is
true that ~~their~~ father and mother are both
dead, that their mother died in ^{about} the year 1875
and their father in the year 1882 that they were
living with their father in New Mexico, at the
time of his death, that they soon thereafter went
to the State of Missouri, where they have since
resided and expect to remain; that it is also
true, as they have been informed, that they have
estate coming to them from their grand father
John D S Russell, lately deceased in Lee County
Virginia, and certain of his heirs, as stated in
said complainants bill, ^{& they have no other estate of which they have knowledge} and as they expect to
remain citizens of the State of Missouri, they
desire, and aver that it will be to their inter-
est, to have their interests in their said Grand
fathers real estate sold and the proceeds trans-
ferred to the hands of their said Guardian &
Curator in the State of Missouri, together with
any other estate ^{that may be} due them from their said grand
fathers estate in the State of Virginia, And now

having fully answered the Complainants bill, as
fully as they are advised it is material or neces-
sary for them to answer, these respondents pray
hence to be dismissed with their reasonable costs
in this behalf expended, and they will ever pray.

Richmond & Orr, attys
for respondents.

Hannie B. Taylor,

E. Jane Taylor

State of Missouri }
County of Cass. } ss.

I. D. C. Barnett, a notary Public in and
for the County and State aforesaid do certify
that Hannie B. Taylor & E. Jane Taylor this day
personally appeared before me and made
oath that the facts stated in the foregoing
answer, so far as they depend upon their own
knowledge are true and so far as stated
upon information derived from others they be-
lieve them to be true.

Witness my hand and official
seal at office in Harrisonville,
this 21st day of January, 1887.

My commission Expires Feb. 13, 1889.

D. C. Barnett,
-Notary Public.

Hammil B. & E. Jane Taylor.

ads. } Joint answer.

P. C. Horney Guard.

Filed at Feb. Rules 1887.

J. A. Hyatt & Co.

P. C. Horney, Guardian for Hannie B. Taylor &
E. Jane Taylor,

Plaintiff

vs.

In Chancery,

Hannie B. Taylor,

et al

Defendants.

This cause came on again to be heard upon the papers formerly read in the cause, and the report of J. B. Richmond, Commissioner, filed in the cause September 8th, 1904, and was argued by counsel. And the said report being unexcepted to, and it appearing from said report that said commissioner has fully performed and discharged the duties assigned ^{to him} by the decree entered in this cause, and ^has accounted for and paid over to the said Hannie B. Russell, nee Taylor and E. Jane Taylor the funds that came into his hands as shown by said decree, and the said report being unexcepted to, it is adjudged, ordered and decreed that the said report, and the action of the said commissioner therein reported be, and the same are hereby approved and confirmed. And therebeing nothing further necessary to be done in this cause, it is ordered that the same be stricken from the docket.

P. G. Harney, Guardian
vs { Decree Final.
Samuel B. Taylors

Entered C. O. B. No.
7, Page 503—

Enter this decree.
H. C. W. Stone
Sept 20 1904.

P. C. Horney Guardian &c Plff } In chy.
against- }
Hamie B Taylor et als Defts }

This cause came on again to be heard upon
the papers formerly read in the cause
and the report of James B Richmond Com-
missioner, and the deed therewith to
J. D. Russell, ^{Filed April 2nd 1870} and was argued by Counsel

On consideration thereof said report
and deed is confirmed, and the clerk
of this Court. will deliver said deed
to said Russell, and said Russell is
ordered to pay to said Commissioner
\$2.50 for making said deed. And the
cause is continued.

P. L. Horney Guard
vs

{ Decree confirming
- Deed

Hannie B Taylor et al

March 2. 1890

Entered Chancery

O.B. 261

April 2 1890

J. E. Hyatt

2nd Clerk

Enter this decree
H. S. V. m

April 2nd 1890.

P. C. Horney Guardian &c Plff }
against } In Chancery.
Hammie B Taylor et als Defts }

This cause came on again to be heard, upon the papers formerly read in the cause and the report of James B Richmond Commissioner filed in the cause March 18th 1890, and was argued by counsel; On consideration whereof said report, being unexcepted to, is confirmed, And it appearing to the Court, from said report, that the balance of the purchase money for the interests of plaintiffs wards in the ~~same tract~~ lands in the bill mentioned, sold December 20th 1887, has been fully paid, and is now in the hands of said Comr, and that the purchaser is entitled to a deed for said interests, It is ^{therefore} adjudged, ordered & decreed that said Commissioner, convey with covenants of special warranty, unto the said purchaser the said interests in said lands, And it further appearing to the Court from said report that E. Jane Taylor the younger of said plffs wards has also attained the age of eighteen years, which is her majority according to the laws of Missouri, where she resides, and that plaintiff is no longer her guardian, It is therefore further adjudged, ordered & decreed that said Commissioner loan out the \$252.00 shown by said report to be in his hands, and keep

the same at interest until said Hammie B
 Laylor & E. J. Laylor shall respectively arrive
 at the age of twenty one years, at which
 time they will, ^{each} be entitled to receive the
 same. Said Commissioner will require bond
 with good security from the loanee maintaining
 the homestead exemption, and will report
 his action to this Court.

P. L. Hamney Guard
 vs

Decree

Hammie B Laylor et als

Centel Chex O.B.

page 25-3

April 1st 1890

J. A. Shyatt

1st

\$252.00

Enter this decree.

H. A. M. M.

Apr 1st 1890

P. C. Harney Guardian &c Plff } In Chancery
against-
Hammie B Taylor et als Defts }

This cause came on again to be heard upon the papers formerly read in the cause, and the report of James B Richmond Commissioner this day filed in the cause, and the application of the plaintiff as guardian for E. Jane Taylor and of Hammie B Russell formerly Hammie B Taylor for a transfer of the fund arising from the sale of the interests of the said Hammie B & E. Jane in the lands in the bill mentioned ^{+ the fund due them from the Adm^r of said J. D. S. R.} and was argued by Counsel. On consideration whereof said report is confirmed, and it appearing to the Court from the certificate of the publisher of the Lee County Republican, a newspaper published in Jonesville Va. that notice of said application has been published in said newspaper for four successive weeks before the commencement of this term of the Court, and it being stated at bar by plaintiff's Counsel that the said Hammie B Taylor has, since the institution of this suit, arrived at the age of eighteen years, which is her majority according to the laws of Missouri, and has married one Russell, and that the plaintiff is no longer her guardian, and it further appearing to the Court that there is in the

* Said Commissioner \$48.25 Collected by him from
the purchaser of said interests and that there is in
the hands of

hands of Richmond & Orr attorneys for
plaintiff the sum of \$192.00 collected by them
from E. M. Russell administrator of the
estate of J. D. S. Russell deceased, and which
is due to the said Hammie B + E. Jane as
distributives of said estate. On consideration
whereof it is adjudged, ordered and
decreed that \$120.12½ the amount of said
funds due the said E. Jane Taylor he and
the same is hereby transferred to the hands
of the said P. C. Horney her Guardian in
the State of Missouri, to whom the said
^{Court &} attorneys are ordered to pay the same,
and as to \$120.12½ the portion of said funds
due to the said Hammie B Russell, it is
ordered that the said Commissioner loan
out the same and keep it at interest until
she shall arrive at the age of twenty one
years, at which time she will be entitled
to receive the same. Said Commissioner
will require bond with good security
from the loanee maintaining the homestead
exemption. And will report his actions
to this Court. And the cause is continued.

P. b. Harney Guard
vs { Decree
Lammie B Taylor et al.

Entered for 194-5-
a a. b. no. 5-
J. a. b. Hyatt
a. e.

\$240.25-

Enter this decree
H. S. K. M.
Apr 2nd 1889.

P. B. Harney Guardian &c Plff.

against -

Hannie B Taylor & als Defts

In Chancery.

This cause came on again to be heard upon the papers formerly read in the cause, and the report of ^{sale of} James B Richmond Commissioner filed Nov. 5th 1888, and was argued by counsel. On consideration whereof, and said report having been filed the time requiring ^{the same} is confirmed. And said Commissioner will pay out to those entitled thereto the costs in his hands, and will collect from the purchaser the purchase money as it falls due. And said Commissioner, in said report being of opinion, & advised, that ^{private} a sale of the interests of the infant defendants in the Mountain lands in the bill mentioned, will probably be more advantageous to them. It is ordered that said Commissioner do sell said interests ^{in said Mountain lands} either privately or publicly as may seem best for the interests of said minors. And report his action to Court, and the cause is continued.

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P. B. Horney Guard

Decree Confirming
- 1st Sale.

James B. Laylor et al

Entered Choy

"C.B." page 123

Hyatt & Co

Enter this decree.

H. S. K. M.

Apr 14 1888.

P. C. Horner Guardian &c.
v.
Hannie B. Taylor et al. } Decree.

This cause came on this day to be heard upon the bill. The answer of the infant defendants by William A. Orr Their Guardian Ad. Litem, The joint answer of Hannie B. and E. Jane Taylor, The petition of Rebecca T. Russell and exhibit, filed, And was argued by Counsel; and it appearing to the Court, That the Cause is properly matured for a hearing and the adult defendants failing to appear and plead, the bill is taken for confessed as to them, and it further appearing to the Court, That Rebecca T. Russell has such interest in the subject matter of this suit, as renders it proper and necessary, she should be made a party thereto, it is ordered That the Plaintiff amend his bill by making her a party defendant, and the Cause is continued

P. C. Horney Guardian

V. 7 Dec

Hannie B. Taylor et al

Entered page 21

Enter this
H. A. N. M.
Mch 31/87

P. C. Hervey Guardian &c Plff }
against- } In chancery.
Hammie B Taylor & others Defts

The depositions of Charles A Russell, M. J. G.
Esq. John M Parsons.

taken at the Clerk's office of the Circuit Court of
Lee County Va. before the undersigned Commis-
sioner in chancery of said Court, in presence
of plaintiffs Counsel and Wm A Orr Guardian
ad litem for Hammie B Taylor & E. Jane Taylor & others
infant defendants in said cause. March 18th 1887.

The said Charles A Russell a witness of lawful
age and being first duly sworn deposes & says.
Question- by plffs Counsel. - Are you acquainted with the
real estate owned in this County by John D. S.
Russell decd at the time of his death? If so please
state what real estate he owned and its quality.

Answer I am well acquainted with his home place
on which he died. Containing as I understand
one hundred and thirty acres of valuable land.
Also a small tract of about thirty acres about
one mile and a half distant - from the home
tract, and not adjoining thereto. This is likewise
valuable land; but subject as I understand to a
life interest - thereon in his widow.

I am not well acquainted with his lands
he owned in the mountains; but have a general
knowledge of that section of the country.

And from my general knowledge of these lands
I do not suppose they are very valuable; unless
it would be for the timber or mineral.

Question by Exm. — How many heirs did said de-
cedent have at his death? If you know.

Answer. Nine I think, of whom Hubbard Laylor
wife of S. M. Laylor was one, and who is now
dead as I am informed, leaving two children,
who reside as I understand in Mo.

Question. Do you or not think it would be to the interest
of said infants to sell their interest in their
said Grand father's estate and transfer ^{the proceeds} ~~it~~ and
any other estate due them from his estate to
their Guardian in the State of Mo.

Answer. I think it would. To ~~partition~~ ^{sell} said real estate,
among nine heirs; if each was given a share
in each tract, would cut it into small parcels
which would be troublesome and expensive to fence;
And I am of the opinion that the proceeds of
the sale of their interest, if kept at interest,
will yield them more than the rents and
profits of said interest over and above expenses,
taxes, &c. even at six per cent.

And further this deponent - sayeth not.

Charles A. Russell

Melvin G. Ely another witness of lawful age
and being first duly sworn, deposes & says.

Question. by plffs counsel. - Are you acquainted with the real estate owned by John D S Russell decd, at the time of his death, in Lee County Va.

Answer. I am to some extent with his home place, but am not with his mountain lands, ^{that} I am informed he owned. Though I have some knowledge of the lands in that mountain section.

I consider his home place valuable land, but do not suppose his Mountain lands are very valuable.

Question by Same. - Do you or not think it would promote the interests of the infant heirs of S. M. & Mildred Taylor to sell their interest, being one ninth, in said real estate and transfer the proceeds, together with any other estate due them from the estate of John D S Russell decd, to the hands of their Guardian in the State of Mo.

Answer. I do.

And further this witness saith not.

M. G. Ely,

John M Parsons, another witness of lawful age and being first-duly sworn deposes and says.

Question. by Plffs counsel. - Are you acquainted with the real estate owned by John D S Russell in Lee County Va. and were you well acquainted with him and his family? - Ans. I am well acquainted with

Answer. his home lands & that I am with his mountain lands. His home lands

consist of a tract of about one hundred & thirty acres & one of about thirty acres. I do not know how much mountain lands he owned.

I think he owned two separate tracts of rough mountain lands. He had nine children and there are nine heirs. They are all living except S. M. Taylor's wife who left two children who are infants.

Question by Exm. - Do you or not think it would be to the interest of said infants to sell their interest in said real estate, and transfer the proceeds and any other estate due them from their said Grandfather's estate, to their Guardian in the State of Mo.

Answer. I do. I think the proceeds of their said interest in their Grandfather's Estate sold and kept at interest or invested in other lands in Missouri would be more valuable to them than the rent & profits here and above Jones expenses &c.

And further this witness saith not.

Jno M. Parsons

The foregoing depositions of Charles A.

Russell, M. G. Ely & Jno M Parsons were
taken, sworn to and subscribed before me
at the time & place and for the purposes in the
caption mentioned. Given under my hand this
March 18th 1887. J. A. Hyatt Court.

I John A. Hyatt do solemnly swear that
I am well acquainted with the home place,
or tract of land, owned by John D. S.
Russell at the time of his death, and think that
said tract is worth from \$3500.00 to \$4000.00.
I am not so well acquainted with the small
piece of about 30 Acres, which I understand
belongs to his widow during her life, nor with
his mountain lands. I think it would be to
the interest of the Taylor infant heirs to sell
their interest in all of said lands and trans-
fer the proceeds, together with any other estate
due them from their grand father John D. S.
Russell decd. to their Guardian in the State
of Missouri where I understand they reside.
Given under my hand this March 25th 1887.

J. A. Hyatt

I John R. Gilson do solemnly swear that I
am not very well acquainted with the real es-
tate owned by John D. S. Russell decd, in this county,
at the time of his death, and am therefore not

able to place an estimate upon its value, but
I am of opinion that it would be to the interest
of the Laylor heirs to sell their interest in
said real estate, that I am informed they
have, and transfer it and any other estate
they have in this County to their Guardian in
Missouri, where I am informed they live.
So help me God.

John R. Gibson

The foregoing affidavits of John A. G. Hyatt & John
R. Gibson were sworn to & subscribed before me
in the presence of Wm. A. Orr Guardian ad litem for
the infant defendants, as evidence in the above
styled cause, this 25th day of March 1887.

James W. Orr, Commissioner
in chancery Lee circuit
Court.

Courts fee \$2.50

J. C. Horney Guardian

Defad

James E. Laylor et al

Filed March 25/887

J. A. G. Hyatt et al

Virginia

Lee County to wit: -

James M. Arr this day,
personally appeared before me
and made oath in due form
that the following persons
defendants in the Chancery
Cause of P. M. Horneykurt et al
vs Hannah B. Taylor et al, are non
residents of this State, to wit
Nancy Taylor, Martha Johnson
Reese Johnson, John Taylor Mattie
Linsley, Ulysses Linsley, Geo. Linsley
Zephyr. Linsley, Wm Taylor, Nancy
Taylor, Cynthia A. Taylor, Rebecca
Gilley, Ransom Gilley, Wm F. Russell
Ransom F. Russell, Charles J. Russell
Hannah B. Taylor and E. Jane
Taylor. Given under my hand
this January 12 1887.

J. A. Hyatt & Co

D. C. Torrey Trust
vs 30 Affidavit
Hannah B. Taylor et al

Filed Jan 12 1887
J. S. Hyatt

P. L. Horney Guardian &c Plff. }
against } In chancery.
Hammie B Taylor & als. Defts }

The undersigned Commissioner in this cause respectfully reports, that pursuant to the requirements of a decree entered therein, at the August term 1887, he offered for sale, at the Decr term 1887, of the County Court, for Lee County Va. at the front door of the Court house of said County, and on the 1st day of the said term of said Court, being the 20th day of said Month, the interests of the defendants Hammie B Taylor & E. Jane Taylor in the home tract of land and also in the 30 acre tract near to said home tract, but not adjoining thereto, to the highest bidder, and upon the terms prescribed in said decree. And J. D. Russell offering for said two interests in said two tracts the sum of \$350.00. and this being the highest bid offered the same was knocked down to him at that price, whereupon the said Russell paid down to your Court \$79.40 the costs of suit & Commission on Sale, and for the residue \$270.60 he executed his three several bonds with E. M. Russell security for \$90.20 due in 1, 2 & 3 years, with interest from date. Your Court did not sell the interest of said Minors in the mountain land, thinking that the Value of such land in that Community will advance

in the near future, and, from the further fact
 that your Court is advised that a sale of said
 Mountain lands privately would probably be
 more advantageous. He therefore respectfully
 asks that he be allowed to sell the said interests
 in said mountain lands either publicly or pri-
 vately as may be best for the interest of said
 Minors.

Respectfully submitted.

To

Gen. W. S. K. Morrison

James B. Richmond
 - Court.

P. L. Horney Guardian
 - or

W. S. Carr's Report Sale

W. S. Carr's Report Sale

Filed March 5th 1888.

W. S. Carr's Report Sale

\$270.60

To the honorable H. S. K. Morrison Judge of
the circuit court of Lee County Virginia.

The undersigned Commissioner respectfully
reports, that he has collected, and has in his
hands, \$48.²⁵/₁₀₀ of the purchase money for
which he sold the interests of Hannah B +
E. Jane Laylor in the lands of J. D. S. Russell
deceased, which sum is subject to the order
of the Court. Respectfully submitted.

James B Richmond,
Commr.

P. C. Horney Guard^{re}

vs { Report of Court
to 2

Hammie B Taylor et al.

Filed Apr. 2nd 1889.

J. A. Hyatt C.C.

P. C. Harney Guardian &c. Plff }
against- } In chg.
Hannie B Taylor et als Defts }

The undersigned Commissioner in this cause respectfully reports, that since his last report, he has collected from J. D. Russell, the purchaser of the land sold by your Court in this cause, the balance in full of ~~such~~ ^{the} purchase money for said land. The balance thus collected up to Feb' 4th 1890 being - - - - - \$252.00

This fund belongs jointly to plaintiffs two wards, and your Court is informed, by plaintiff, that his younger ward, Miss E. Jane Taylor, has attained the age of eighteen years, which is her majority according to the laws of Mo; and that the plaintiff is no longer her guardian. He therefore supposes the said sum should be put at interest until such time as the said minors shall arrive at 21 years of age respectively. The said purchaser is now entitled to a deed for said land or interests sold him. Respectfully submitted.

Mr 18th 1890.

James B Richmond.
Commr.

P. L. Harney Guard &c

vs { Report of payment
of Purchase Money.

Lammie B Taylor et als
Filed Nov 18th 1890.

J. A. G. Hyatt c

P. C. Horney Guardian &c Plff }
against } In chg.
Hannie B Taylor et als Defts }

The undersigned commr. in this cause
respectively reports, that he has executed
a deed to J. D. Russell for the interests
in the lands in the bill mentioned,
sold to said Russell Decr 20th 1887,
which deed is herewith filed for
confirmation marked "A".

Respectfully submitted.

James B Richmond
Commr.

P. C. Harney Guard
vs. Report & Deed

Samuel B. Taylor et al
Filed April 28th 1890.
J. A. Hyatt C

P.C. HORNEY, GUARDIAN &C.

Plff.

VS.

IN CHANCERY

HANNAH B. TAYLOR, ET AL,

Defts.

The undersigned commissioner in this cause respectfully reports that Hannah B. Russell, nee Taylor, and E. J. Taylor, having arrived at the age of twenty-one years since he was directed as commissioner to keep certain funds at interest until they attained their majority, he has paid over to them the funds thus directed, and which funds are shown in the decrees rendered in this cause April 2nd, 1889, and April 1st, 1890, and the statement of his account is herein submitted as follows:

To amt. due Hannah B. as shown by decree	
April 2nd, 1889 and interest.....	\$123.50
To amt. due same being one-half of \$252	
as shown in decree April 1st, 1890.....	126.00
Int. on above sum s to Sept. 22nd/ 1890.....	3.55
To tal.....	<u>\$253.05.</u>

By 5% commission on \$129.55.....	\$ 6.47
Paid for N. Y. exchange.....	.58
Remitted to Hannah B. Sept. 22, 1890.....	246.00
Total.....	<u>\$ 253.05</u>

To amt. due E. J. Taylor ^e as per decree	
April 1st, 1890.....	\$126.00
Interest thereon to March 8th, 1903.....	22.05
Total	<u>\$148.05</u>

Paid for N. Y. Exchange.....	\$.58
retained 5% commission?.....	7.40
Paid her 8th day of	
March, 1893,	140.07
Total	<u>\$ 148.05</u>

The above is embraced in a receipt for \$235.55 as of that date, the overplus being ⁱⁿ a remittance of \$235.55 in which was embraced the above amount of \$140.07 and \$95.48 by Richmond & Orr, Attorneys.

Your commissioner^d did not sell the mountain lands, the said Hannah B. and E. J. Taylor having arrived at twenty one years of age and being capable of disposing of their interests themselves in said mountain lands, and your commissioner was in fact, ^{only} directed by the decrees above referred to to keep at interest the funds there, in specified, and there was other moneys due the said heirs of

Samuel M. Taylor deceased, from their grand-father, John D.S.
Russell, deceased, under a deed made by him to his children, which
was looked after and collected by Richmond & Orr, attorneys for the
said parties/ and paid over and fully accounted for to the said
heirs after they arrived at the age of twenty-one years.

Respectfully submitted this the 8th day of September, 1904.

J. B. Richmond, Counsel.

P. G. Harney, Guard &c.
vs { Report of Court
J. B. Richmond.
Hannah B. Taylor &c.

Filed Sept 8th 1904.

H. T. Ewing
Clerk.

State of Missouri
County of Cass.

Be it remembered that at a regular
term of the Probate Court within the for
the State of Missouri aforesaid, the same being
a court of record, begun & held at the
Probate Court Room at Hannibal in
the State of Missouri aforesaid on the second
Monday in November AD 1886. the same
being the 8th day of said month Present J. D.
Sibley Judge of the Ex. Office's Clerk of said
Court Geo. J. A. Newby Sheriff of said County,
upon the first day of said term of said
Court & while the same was in session
the following among other proceedings
were had made & entered of record to wit
In the matter of the Estate of Hannibal B.
Taylor & E. Jane Taylor Minors,
Now at this day came into open Court in
their own proper persons Hannibal B. Taylor
& E. Jane Taylor the only ~~minor~~ children
who are at law of Dr. Taylor & Mildred
Taylor his wife, who make choice & selection
of P. C. Horney as guardian of their persons
& curators of their Estates,
And appearing to the Court that said
Minors are residents of Cass County Missouri
aged as follows. Hannibal B. seventeen
years the 8th day of September, 1886 & E. Jane
fifteen years the 11th day of Nov. 1886. that
their parents are both dead, that they have
an estate coming to them from the estate
of their Grandfather S. C. Russell Dec'd
late of the County State of Virginia of
the probable value of one thousand dollars

And that they have no guardian or Curator,
It is therefore ordered that said P. C. Horney
be and he is hereby appointed guardian
of the person and Curator of the Estate of said
Minor Hannie D. Taylor and E. Jane Taylor
as of and said, And that he enter into Bond
as such guardian and Curator in the sum
of Two thousand dollars, Conditioned as
required by law. And the undersigned Comenits
of the Court said P. C. Horney And his securities
J. D. Wiseman and St. H. Clark And Execute
And file said Bond in said amount And the
same is approved.

Said Bond being in words and figures as follows
We Phillip C. Horney as principal And
J. D. Wiseman And Henry St. Clark as securities
are held And firmly bound unto the State of
Missouri in the sum of Two thousand dollars
for the payment of which we bind ourselves
And our heirs.

Upon the Condition

That whereas the said Phillip C. Horney
has been appointed by the Probate
Court of Cass County Missouri
guardian of the person and Curator of the
Estate of Hannie D. Taylor And E. Jane Taylor
of said County Missouri.

Now if the said Phillip C. Horney shall
faithfully discharge his duties as said
guardian and Curator according to
law, then this Bond to be void, otherwise
to remain in full force and effect.

In Testimony whereof we have
hereto set our hands And affixed our

seals at Harrisonville Missouri
County this 8th day of Novr AD 1886.

Phillip Estomey Seal

Tilman L. Loxman Seal

Henry H. Clark Seal

Executed in open Court
Filed and approved Nov 8th 1886

J. D. Little
Probate Judge

State of Missouri
County of Cass.

J. D. Little Probate Judge, An Ex officio
Clerk of the Probate Court, the same
being a Court of record, within and for the
State and County aforesaid. Do Certify that
the foregoing is a true copy and transcript of
all the record entries appearing Phillip
Estomey guardian of the persons and
Caretaker of the Estates of Hannah D.
Taylor and E. Jane Taylor Minors, Wives
of the said J. D. Little by said guardian and caretaker
and the appearance of the same. by said Court
as the same appears of record and on file in
my office, to which this Certificate is in
due form of law.

Witness my hand and
the seal said Court hereof fixed at my
office in Harrisonville this 8th day of Novr
1886.

J. D. Little Judge
Ex officio Clerk

In Matter of Estate
Hanniel Taylor
E Jane ^{and} Taylor
Munroe

Order appointment
of C. H. Hume
Guardian of the Estate

Certified Copy
Cass County Missouri

"A"



Sallie Evans \$125.50 Feb 17/92
 M. J. Pattee 25.50 " " " " 1892
 E. M. R. - 121.08 " " " " " "
 J. D. R. - 25.50
 Rebecca Gilley - 25.50
 Ransom Russell 25.50
 C. D. Russell 25.50
 Wm H Russell 25.50

399.58

81

399.58

199790

203.785-8

1.65

205.43

399.58

21605.01

382.50 Sept 8/90

75.10

287.40

265.00

855-240 Stated
 this in letter Sept 3/90.

B. C. Lockwell -

B. C. Willis -

V. M. Scott -

G. J. Taylor -

J. P. Myers -

John Riddle -

L. & N. R. R. Co vs Mary Eley. Ow. motion

Taylor heirs are entitled as follows.

To $\frac{1}{9}$ of 176-A + 76 P tract sold for \$1764.60 = \$194.95 $\frac{5}{9}$

" $\frac{1}{9}$ " 76 A + 34 P. tract " " 762.12 84.68

$\frac{8}{9}$ of these tracts were sold by Morgan
Carr to Coal & Iron Co. \$279.63

They get even their $\frac{1}{9}$ in these two tracts
and also $\frac{1}{9}$ of the 260 A. tract on Stone Creek.

Morgan sold the interest Wm H Russell's
heirs in this last tract to R. L. Evans $\frac{1}{9}$ for \$15.00

Horney'
Memo—

The object of this suit is to sell the undivided interests
of Annie B Taylor & E. Jane Taylor infant children
of S. M. Taylor & Mildred Taylor his wife, deceased,
in the real estate ^{in the bill mentioned} of John D S Russell deceased,
who was the grand father of said infants and to
transfer the proceeds of said sale to the hands of
their Guardian & Curator in the State of Missouri.

P. C. Horney Quock

vs { Object of
suit

Hannah B. Taylor & Co

D. C. Horney
vs $\frac{3}{9}$ Order Rule,
Wamie B. Taylor & Co
I Certify that
I delivered to the
Va Herald an
offered copy of this
order for publication
and posted a like
copy thereof on the
front door of Sec
Court at the Febry
Term of the County
Court 1887.

J. A. Wyatt

Know all men by these presents
that we Jas. B. Richmond and
J. A. Syatt are held and firmly
bound unto the Commonwealth of
Virginia in the sum of \$1500.00 and
for the prompt payment thereof we
each bind ourselves heirs &c and
we as to the obligation waive our
homestead exemptions witness our
hands and seals this 20th Sept
1887.

The condition of the
above obligation is such that
whereas the above bound Jas.
B. Richmond was appointed
a Court, in the Chancery Cause of
D. C. Harney Guardian vs Hannis
D. Taylor et al - at the Aug. Term
1887, of Lee Circuit Court, and directed
to make sale of certain lands mentioned
in the bill - Now therefore should
the said Richmond as such Court,
faithfully perform the duties assigned him
and properly account for all sums of
money he may receive under said decree
then this obligation to be void otherwise
to remain in full force.

J. B. Richmond Seal
J. A. Syatt Seal

P. C. Horney Guard
4 Corners,
no 3 Bond

Hannie B Taylor et al

Filed Sept 20/88
J. A. Hyatt et al

J. B. RICHMOND.
Estillville, Va.

OFFICE OF

JAMES W. ORR,
Jonesville, Va.

RICHMOND & ORR,

Attorney-at-Law.

WILL PRACTICE IN THE COURTS OF LEE, SCOTT AND WISE COUNTIES.
COLLECTIONS IN SOUTHWEST VIRGINIA A SPECIALTY.

Jonesville, Va., _____ 18'8 .

J. B. Richmond bought in from
Larkin at 3.524 paid down 29.42
for more 40.25 from. Due 20/87
J. B. Orr

Mem^o.

Sale land

for 20
1/3
C

VIRGINIA.—In the clerk's office of the
Circuit Court for Lee county January 12
1887.

P. C. Horney, Guar. &c.

Pliff.

VS

Hannie B. Taylor et al.

Def't.

IN CHANCERY.

The object of this suit is to sell the undivided interest of Hannie B. Taylor & E. Jane Taylor infant children of S. M. Taylor & Mildred Taylor his wife deceased, in the real estate in the Bill mentioned of John D. S. Russell deceased who was the grand-father of said infants & to transfer the proceeds of said sale to the hands of their Guardian & curator in the State of Missouri, and it appearing from an affidavit filed in this cause that the defendants Nancy Taylor, Martha M. Johnson, Reese Johnson, John Taylor, Mattie Tinsley, Ulysses Tinsley, Cleo Tinsley, Zephyr Tinsley, Wm. Taylor, Nancy Taylor, Cynthia A. Taylor, Rebecca Gilley, Ransom Gilley, Wm. H. Russell, Ransom F. Russell, Charles D. Russell, Hannie B. Taylor & E. Jane Taylor are non-residents of this State. It is therefore ordered that they appear here within one month after due publication of this order to do what may be necessary to protect their interest in this suit. Teste.

R. & O., P. Q.

J A G Hyatt, C. C.

Virginia Lu Ceeley
and publisher of the West a weekly
newspaper published in Wesley
do certify that the following
non-Resistant notice appeared
four successive times in said
paper and that the publishers for
of 500 is due and unpaid
March 27th 1881. Jeff Deff Pub.

P. O. Honey
V S
Kaua Baylon
Car New 500

\$ 162, Dec 8/88
3.10 Int.
165.00

The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Creeting:

WE COMMAND YOU to summon Hannie B. Taylor, E. Jane Taylor, Sally's Evans
formerly Russell, R. L. Evans her husband, Martha J. Pelt formerly Russell, E. M. Russell, Rebecca Gilley
formerly Russell, T. Ransom Gilley her husband, John D. Russell, Mrs. A. Russell, Ransom, T. Russell, Charles
D. Russell, Nancy Taylor, Martha H. Jones formerly Taylor, T. Rose Jones her husband, John Taylor, Mathis Linsley,
Wynnes Linsley, Lela Linsley, John Linsley, Soliman formerly Taylor, John W. Smith her husband, Mrs. Taylor
Robert Taylor, Mary Rose formerly Taylor, T. E. E. Rose her husband, Nancy Taylor & Cynthia A. Taylor

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House
on the first Monday in February next, being Rule Day, to answer a

Bill in Chancery exhibited in our Court against them, by D. C.
Harney Guardian of the persons and Curator of the Estates
of Hannie B. Taylor and E. Jane Taylor infants
Children of S. M. Taylor and Mildred Taylor
his wife deceased

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said
Court, at the Court House, this 12th day of January 1887 in
the 11 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste :

(R+H)

P. L. Dorney Quare

us $\frac{4}{3}$ Spain Chy

James B. Taylor et al

Lo Librarian Rules 1887

Executed by delivring
office copies of this
Spd. to Martha J. Patcut
Edward M. Russell

John D. Russell
John W. & Sophia Smith
Robert Taylor, Mary
Rose & E. C. Rose
her husbands

Febry 4 & 5th 1887

J. H. Curry Deputy
for R. D. Flanagan S. L. C.

The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Creeting;

WE COMMAND YOU to summon

Rebecca T. Russell

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House
on the first Monday in June next, being Rule Day, ^{original & amended} to answer an
Bill in Chancery exhibited in our Court against her & others, by J. P. C.

Marney Guardian for Fannie B. Taylor and
E. Jane Taylor

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said
Court, at the Court House, this 30th day of May 1887 in
the 11 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste:

(R + Q)

P. C. Harney Quarte

vs $\frac{1}{3}$ Spain Chey

Rebecca T. Russell

To June Rules 1887

• Executed, June 4, 1887

by delivering a copy of
the within to the Dept.

Rebecca T. Russell.

Le Charles Willoughby

As per for

R. D. Flanagan, S. L. C.

Jan. 17. 1889.

Notice.

To R. L. Evans and Sallie Evans his wife, Martha J. Potcet, E. M. Russell, Ransom Gilley and Rebecca Gilley his wife, John D. Russell, Wm. H. Russell, Ransom F. Russell and Charles D. Russell children and heirs at law of John D. S. Russell, deceased, and Nancy Taylor, Reese Johnson and Martha F. Johnson, John Taylor, Mattie Tinsley, Ulyssus Tinsley, Cleo Tinsley, Zephyr Tinsley, John W. Smith and Sophia Smith, Wm. Taylor, Robert Taylor, E. E. Rose and Mary Rose his wife, Nancy Taylor and Cynthia A. Taylor, the uncles and aunts on the maternal side and the grand Mother uncles and aunts and their descendants on the paternal side of Hannah B. Taylor now Hannah B. Russell and E. Jane Taylor, minor heirs at law of S. M. Taylor and Mildred Taylor his wife, and who would be the heirs of said wards were they now dead.

You will please take notice that on the second day of the next term of the Circuit Court of Lee County, Virginia, at the Court house of said County we will apply to the said Court, for an order transferring to us, the fund arising from the sale of the interests of said minors in the lands of John D. S. Russell, deceased, and the fund due said minors in the hands of the Administrator of said decedent.

Dec 12th 1888.

P. C. HORNEY,
Guardian for E. Jane Taylor, Hannah
B. Russell, formerly, Hannah B. Taylor.

By RICHMOND & ORR, their Counsel.

I, Geo. W. Blaukenship, Publisher of the Lee Co. Republican, a newspaper printed in the town of Jonesville, Va in the county of Lee, do certify that the foregoing order of publication was duly published in the said newspaper, for four successive weeks ending January 17, 1889.

Geo. W. Blaukenship, Pub.
Lee Co. Republican.

P. L. Varney et al
vs Certificate of Pub.
R. L. Ordway et al.

1870

24